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SIPDIS

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SUBJECT: UN'S UNIVERSAL PERIODIC REVIEW OF HUMAN RIGHTS
ELICITS BROAD PARTICIPATION BY MEXICAN CIVIL SOCIETY

REF: 2008 STATE 13029

¶1. Action Request: See para. 1, 6.

¶2. Summary. Mexico's NGO community energetically contributed to the UN's upcoming review of Mexico's human rights record through the Universal Periodic Review (UPR) process. Over 100 Mexican human rights NGOs collaborated in the preparation and submission of two reports while five domestic groups, three international NGOs (including Human Rights Watch and Amnesty International), and Mexico's semi-autonomous National Human Rights Commission separately submitted their own reports. Many of the reports addressed common themes including *inter alia* concern about the military's involvement in efforts to combat organized crime, justice reform legislation authorizing lengthy detention of organized crime suspects, continued complaints about torture, attacks on journalists, violence against women, and discrimination against indigenous groups. In the report it submitted to the UN for this review, the Mexican Government touched on many of these same issues but from a more positive perspective describing efforts to improve conditions. The two sides did not meet eye to eye; the NGOs largely boycotted a meeting the Foreign Ministry called to discuss the UPR and the groups came down hard on the government's record in their reports. Several leading members of Mexico's human rights community plan to travel to Geneva to participate in the upcoming review. They have requested our assistance in arranging for a meeting with the U.S. delegation and we request the Department/US Mission Geneva's seriously consider meeting with them. End Summary.

¶2. In preparing its own report, Mexico's Foreign Ministry (SRE) convened two meetings with members of Mexican civil society. Madeleine Penman, the International Relations Coordinator for Mexican human rights NGO Centro Prodh, however, told us that a large number of Mexican human rights NGOs decided to collectively boycott the meetings out of frustration with the GOM for not taking into sufficient account concerns expressed in prior meetings. Instead, on their own, over 100 Mexican human rights NGOs convened to collaborate on two separate joint reports. In addition, another five Mexican human rights NGO's produced and submitted individual reports as did Human Rights Watch and Amnesty International. Mexico's National Human Rights Commission also produced its own report.

¶3. Many of these reports touch on similar themes including *inter alia* the following:

-- The "Militarization" of Mexico's Efforts to Combat Organized Crime: Most of the groups object to the Mexican military's involvement in the fight against organized crime arguing this responsibility should be delegated exclusively to the police. They complain about abuses that have occurred at military checkpoints and in the course of military operations throughout Mexico alleging Mexico's security forces have applied excessive force in numerous instances.

They insist cases of abuse by military officials be investigated and tried in civilian rather than military courts as is the present practice.

-- Justice Reform: While the groups applaud provisions in recently adopted justice reform legislation that will foster Mexico's implementation of an accusatory system of justice based on the presumption of innocence, they reject a measure that allows the government to detain suspects in organized crime cases for up to eighty days. They maintain this measure known as "arraigo" violates due process guarantees, exposes defendants to torture, and could be used to suppress social movements.

-- Torture: At least one of the reports signed by fifty Mexican human rights NGOs asserted that "torture remains a systematic, generalized, and unpunished practice in Mexico." Notwithstanding hundreds of complaints of torture registered with the NGO community, as well as by the CNDH which received 21 cases in 2008, Mexico has yet to convict a single official of torture giving rise to claims of impunity.

-- Freedom of Expression: Many groups reported that 24 journalists had been killed over the last eight years, 8 in the last two years alone. They complained that the office of the Special Prosecutor for Crimes Against Journalist created in 2006 has had little success in securing convictions of those implicated in attacks on journalists. They worried that rising violence against journalists coupled with impunity enjoyed by their attackers was generating a climate of violence.

MEXICO 00000273 002 OF 002

-- Violence Against Women: Amnesty International noted a poll that indicated over 67 percent of women fifteen and older had suffered some form of violence at home and that one in four women had lodged a complaint with authorities about violence suffered at the hands of a spouse or partner. Nevertheless, prosecutions and convictions of abusers remain very low. Additionally, even though the government had taken measures to prevent and punish violence against women in Ciudad Juarez and Chijuajua, murders of women continued with more than 25 murdered in Ciudad Juarez between January and June 2008. Another report complained that Mexico's newly embraced legislation against domestic violence suffered significant gaps impeding efforts to reduce violence.

-- Discrimination Against Indigenous Groups: Several reports raised concerns about the government or private sector taking decisions affecting indigenous communities without properly consulting them. Others make note of the poor socioeconomic conditions that prevail in many indigenous communities and the government's uneven efforts to address those concerns.

GOM: We've Come a Long Way

¶4. The Mexican Government's report starts off with the premise that no one can assert that "violations are State policy in Mexico." Mexico maintains that between 2001-2006, it ratified essentially every human rights treaty and recognized the competence of all judicial bodies; the remaining challenge lies in harmonizing national and local legislation to bring policies into compliance with these obligations. In defense of its efforts to combat organized crime, the GOM stresses the importance it attaches to the rights citizens are entitled to when it comes to security and property. The GOM is proud of its recently adopted National Human Rights Program which seeks to strengthen legal mechanisms for the promotion and protection of human rights and reinforce a culture of respect for human rights. Mexico also draws attention to its agreement to allow the UN High Commissioner for Human Rights to open an office in Mexico 2002 and its willingness to receive at least 21 international human rights mechanisms since 2001. Notwithstanding its efforts to train law enforcement officials about the

importance of human rights, the government recognizes that more needs to be done to address this problem.

¶15. Comment: Clearly, the Mexican human rights NGO community is not only aware of the UPR process, but energetically committed to participating in it. Centro Prodh's International Coordinator Madeleine Penman advised poloff that leading members of several groups plan to travel to Geneva to attend the session dedicated to Mexico and would welcome a meeting with members of the U.S. delegation. As U.S.-Mexican cooperation in combating organized crime grows, interest in Mexico's human rights conditions will continue to rise. It is not unlikely that Mexico's review before the Human Rights Council will draw national attention. Collectively, the groups have put together some rather critical reports of the government's performance. Post looks forward to using constructive recommendations that come out of this process to encourage the GOM to take measures to improve its human rights record and work more collaboratively with the human rights community.

¶16. Action Request: Post requests Department/US Mission Geneva consider meeting with the representatives of the Mexican human rights NGO community that plan to attend the review of Mexico in February. Visit Mexico City's Classified Web Site at <http://www.state.sgov.gov/p/wha/mexicocity> and the North American Partnership Blog at <http://www.intelink.gov/communities/state/nap/> / BASSETT